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ART UNIT	PAPER NUMBER
2661	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/773,194	BABU ET AL.
	Examiner	Art Unit	
	Ian N Moore	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _amendment filed on 9-28-2004_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-33_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   An objection to the specification is withdrawn since it is being amended accordingly.

2.   Claim objections, on claims 4,22-32 are withdrawn since they are being amended

accordingly.

3.   Claim rejections with 35 USC § 112 second paragraph, on claims 6,11,17,23 and 29 are

withdrawn.

4.   Claims 23, 25-33 are amended with new dependencies.

5.   Claims 1-10,12-33 are rejected by the same ground of rejections.

6.   Claim 11 is rejected by new ground of rejection.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1, 2,5,12,13,16,24, 25 and 28 are rejected under 35 U.S.C. 102(e) as being

anticipated by Fitch (U.S. 6,321,092).

Regarding Claims 1, 12 and 24, Fitch'092 discloses a method for aggregating

location information, said method comprising:

acquiring location data (see FIG. 1, Location Finding System, LFS, 116; or see FIG.

2, a combined system of Location Finding Center, $LFC_{1\ to\ n}$, and LFS/location Manager 214;

see col. 7, lines 52-55) regarding a user (see FIG. 1, a user of the Wireless Station 102) from

a plurality of location sources (see FIG. 1, wireless stations communicating with the

corresponding Location Fining Equipment Systems, LFE, 104,106,108 and 110; of see FIG.

2, $LFE_{1\ to\ n}$); see col. 5, lines 1-30, 56-61; see col. 6, lines 19-21; note that Location Finding

System finds/acquires and receives regarding a particular wireless station user location from

a plurality of LFE/wireless stations);

and creating a collection of said location data regarding said user (see col. 3, lines 25-

47; see col. 7, lines 30-57; note that the combined system of LFCs and LFS collects the raw

wireless station user location data received from LFEs and aggregates/creates a standard

format).

Regarding Claims 2, 13, and 25, Fitch'092 discloses converting said location data

from said location sources to a single format (see FIG. 5, collection data from regions 502

and 503 are combined/aggregated; see col. 9, lines 55 to col. 10, lines 5; see col. 7, lines 41-

44, 55-67 and col. 8, lines 7; note that aggregated/combined location data from LFEs are

converted into a standard/signal format).

Regarding Claims 5, 16, and 28, Fitch'092 discloses wherein said location data are

updated continuously (see col. 11, lines 9-30; note that location data from a wireless station

is continuously/on-going monitored and updated in order to obtain the most accurate location

(i.e. tacking 911 call location)).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   Claims 3, 14, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fitch'092 in view of Wang (U.S. US 2002/0160745A1).

Regarding claims 3, 14 and 26, Fitch'092 discloses said location sources, and said

single format as described above in claim 1, 12, 24 and 25.

Fitch'092 does not explicitly disclose wherein a two-way pager (see Wang'745 FIG.

2, Pager 32; see page 4, paragraph 58), and said single format is one implemented in XML

(see Wang'745 FIG. 14, HTTP (XML) 198 and 188 formats; see page 10, paragraph 127-131;

note that WML 194 is converted into a single XML format 198).

However, the above-mentioned claimed limitations are taught by Wang'745. In view

of this, having the system of Fitch'092 and then given the teaching of Wang'745, it would

have been obvious to one having ordinary skill in the art at the time the invention was made

to modify the system of Fitch'092, for the purpose of providing a two-way pager and a

converting into a XML format, as taught by Wang'745, since Wang'745 states the

advantages/benefits at page 1, paragrap11-15 that it would provide network-independent

location aware protocol which is useable over a large variety of location-aware networks and

on a large variety of location-aware wireless mobile devices. The motivation being that by

utilizing XML, it will increase the usability of location aware mobile since XML is widely

used.

11.   Claims 4, 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fitch'092 and Wang (U.S. US 2002/0160745A1), and further in view of well-established

teaching in art.

Regarding claims 4, 15 and 27, Fitch'092 discloses said location sources, and said

single format as described above in claim 1, 12, 24 and 25.

Fitch'092 does not explicitly disclose wherein a wireless LAN (see Wang'745 FIG.

16, Wireless LAN 220 and access point devices 222; see page 12, paragraph 145), and said

single format is one implemented in XML (see Wang'745 FIG. 14, HTTP (XML) 198 and

188 formats; see page 10, paragraph 127-131; note that WML 194 is converted into a single

XML format 198).

However, the above-mentioned claimed limitations are taught by Wang'745. In view

of this, having the system of Fitch'092 and then given the teaching of Wang'745, it would

have been obvious to one having ordinary skill in the art at the time the invention was made

to modify the system of Fitch'092, for the purpose of providing a two-way pager and a

converting into a XML format, as taught by Wang'745, since Wang'745 states the

advantages/benefits at page 1, paragrap11-15 that it would provide network-independent

location aware protocol which is useable over a large variety of location-aware networks and

on a large variety of location-aware wireless mobile devices. The motivation being that by

utilizing XML, it will increase the usability of location aware mobile since XML is widely used.

Neither Fitch'092 nor Wang'745 explicitly disclose a hub. However, the above-mentioned claimed limitations are taught by well-established teaching in art. Note that Wang'745 teaches a wireless LAN. It is well known in the art in the wireless LAN can be implemented with a hub/router (i.e. wireless LAN hub/router).

In view of this, having the combined system of Fitch'092 and Wang'745, and then given the teaching of well established teaching in art, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Fitch'092 and Wang'745, for the purpose of providing a wireless LAN hub, as taught by well established teaching in art. The motivation being that by providing a wireless LAN hub/router in the network, it can increase network performance and integration since plurality of devices in the wireless LAN can be integrated/accessed/hub/routed through a wireless LAN hub/router.

12.   Claim 6,7,10, 17, 18, 21,29,30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch'092 in view of Morse (U.S. 6,609,004).

Regarding claims 6, 17, and 29, Fitch'092 discloses acquiring location data regarding the user and; creating collections of said location data regarding a user as described above in claims 1, 12 and 24. Fitch'092 further discloses acquiring location data regarding more than one user (see col. 11, lines 60 to col. 12, lines 12; note that during the pulling process, the LFS/LM query the location data regarding all wireless stations user).

Fitch'092 does not explicitly disclose collections of said location data regarding more

than one user, organized by user (see Morse'004 FIG. 4, Server User Memory 116 is created

by the collection of the location data regarding more than one user, and the

memory/collection is organized by user (i.e. organized as user 1 to user N corresponding to

their respective locations); see col. 7, lines 55 to col. 8, lines 5).

However, the above-mentioned claimed limitations are taught by Morse'004. In view

of this, having the system of Fitch'092 and then given the teaching of Morse'004, it would

have been obvious to one having ordinary skill in the art at the time the invention was made

to modify the system of Fitch'092, for the purpose of providing a memory that collected and

stored the location data regarding more than one user, and the memory is organized by user,

as taught by Morse'004, since Morse'004 states the advantages/benefits at col. 1, lines 25-30,

col. 2, lines 15-20 that it would provide to easily locate a device user in case of an emergency

situation, and easily select relevant content information from the large amount of data. The

motivation being that by collecting/storing the location data regarding more than one user

and organized by user, it will increase the possibility of easily retrieving and identifying the

user from large amount of stored data, and locating the user in case of an emergency.

Regarding Claims 7, 18, and 30, Fitch'092 discloses converting said location data

from said location sources to a single format (see FIG. 5, collection data from regions 502

and 503 are combined/aggregated; see col. 9, lines 55 to col. 10, lines 5; see col. 7, lines 41-

44, 55-67 and col. 8, lines 7; note that aggregated/**combined location data from LFEs are**

converted into a standard/signal format).

Regarding Claims 10, 21 and 33, Fitch'092 discloses wherein said location data are updated continuously (see col. 11, lines 9-30; note that location data from a wireless station is continuously/on-going monitored and updated in order to obtain the most accurate location (i.e. tacking 911 call location)).

13.   Claims 8, 19, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch'092 and Morse'004, and further in view of Wang (U.S. US 2002/0160745A1).

Regarding claims 8, 19 and 31, the combined system of Fitch'092 and Morse'004 discloses said location sources, and said single format as described above in claim 1, 12 and 24.

Neither Fitch'092 nor Morse'004 explicitly discloses wherein a two-way pager (**see** Wang'745 FIG. 2, Pager 32; see page 4, paragraph 58), and said single format is one implemented in XML (see Wang'745 FIG. 14, HTTP (XML) 198 and 188 formats; see page 10, paragraph 127-131; note that WML 194 is converted into a single XML format 198).

However, the above-mentioned claimed limitations are taught by Wang'745. In view of this, having the combined system of Fitch'092 and Morse'004, and then given the teaching of Wang'745, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Fitch'092 and Morse'004, for the purpose of providing a two-way pager and a converting into a XML format, as taught by Wang'745, since Wang'745 states the advantages/benefits at page 1, paragrap11-15 that it would provide network-independent location aware protocol which is useable over a large variety of location-aware networks and on a large variety of location-aware wireless mobile

devices. The motivation being that by utilizing XML, it will increase the usability of location

aware mobile since XML is widely used.

14.   Claims 9, 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fitch'092, Morse'004, Wang (U.S. US 2002/0160745A1), and further in view of well-established

teaching in art.

Regarding claims 9,20, and 32, the combined system of Fitch'092 and Morse'004

discloses said location sources, and said single format as described above in claim 1, 12 and

24.

Neither Fitch'092 nor Morse'004 explicitly discloses wherein a wireless LAN (see

Wang'745 FIG. 16, Wireless LAN 220 and access point devices 222; see page 12, paragraph

145), and said single format is one implemented in XML (see Wang'745 FIG. 14, HTTP

(XML) 198 and 188 formats; see page 10, paragraph 127-131; note that WML 194 is

converted into a single XML format 198).

However, the above-mentioned claimed limitations are taught by Wang'745. In view

of this, having the combined system of Fitch'092 and Morse'004, and then given the teaching

of Wang'745, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the combined system of Fitch'092, for the purpose of

providing a two-way pager and a converting into a XML format, as taught by Wang'745,

since Wang'745 states the advantages/benefits at page 1, paragrapl1-15 that it would provide

network-independent location aware protocol which is useable over a large variety of

location-aware networks and on a large variety of location-aware wireless mobile devices.

The motivation being that by utilizing XML, it will increase the usability of location aware

mobile since XML is widely used.

Neither Fitch'092, Morse'004, nor Wang'745 explicitly disclose a hub. However, the

above-mentioned claimed limitations are taught by well-established teaching in art. Note that

Wang'745 teaches a wireless LAN. It is well known in the art in the wireless LAN can be

implemented with a hub/router (i.e. wireless LAN hub/router).

In view of this, having the combined system of Fitch'092, Morse'004 and Wang'745,

and then given the teaching of well established teaching in art, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to modify the

combined system of Fitch'092, Morse'004 and Wang'745, for the purpose of providing a

wireless LAN hub, as taught by well established teaching in art. The motivation being that by

providing a wireless LAN hub/router in the network, it can increase network performance

and integration since plurality of devices in the wireless LAN can be

integrated/accessed/hub/routed through a wireless LAN hub/router.

15.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch'092 in view

of Rachabathuni (U.S. 6,628,938).

Regarding claim 11, Fitch'092 discloses method for aggregating information to

determine users' locations, said method comprising:

with a polling process (see col.12, lines 9-14; polling process for series of location

requests; see FIG. 7, WLA request location; see col. 11, lines 33-35), polling a plurality of

location sources (see FIG. 2, $LFE_{1\ to\ n}$) for location data (see col. 12, lines 1-20; location

information);

determining whether any of said location data is new (see col. 11, lines , lines 35-56;

see col. 7, lines 40-46; see FIG. 7; LFS determines query location return result to determine

in order to determine new/update location; see col. 12, lines 10-20),

sending any new location data to a mapping process (see FIG. 2, the combined system

of Multi-input processing 217, Tracking 218 and LC 220; the combine system performs

matching/mapping by comparing; see col. 9, lines 1-10; see col. 10, lines 59 to col. 11, lines

6; 10-31);

iteratively repeating the above three steps until use of said method is terminated (note

that finding/acquiring location information is repeated),

with said mapping process, receiving new location data from said polling process (see

FIG. 2, the combined system of Multi-input processing 217, Tracking 218 and LC 220; the

combine system performs matching/mapping by comparing with historic data from LC and

identify the newest/certain location information; see col. 9, lines 1-10; see col. 10, lines 59 to

col. 11, lines 6; 10-31), mapping new location data to users (see col. 7, lines 40-65; col. 8,

lines 22-40; see col. 12, lines 40-50; update/new location information is related to the mobile

user),

sending collections of location data, to a logic process for evaluation (see FIG. 2,

Mulit-input processing 217, velocity 216, tracking 218, geographical information system GIS

222; see col. 12, lines 32-65; see col. 8, lines 34 to col. 9, lines 35; collected location

information are processed/tracked/evaluated in order to determine the most updated

information) and iteratively repeating the above three steps until use of said method is terminated whereby said collections of location data are updated continuously (see col. 11, lines 9-30; note that location data from a wireless station is continuously/on-going monitored and updated in order to obtain the most accurate location (i.e. tacking 911 call location)).).

Fitch'092 does not explicitly disclose organized by user. However, Rachabathuni teaches determining whether any of said location data is new (see FIG. 16B, step 165,166; see col. 10, lines 25-36; see col. 7, lines 20-43; current/new location is determined), sending any new location data to a mapping process (see FIG. 16b, step 167 and 168, current/new location is send to mapping/comparing process; see col. 10, lines 25-36; see col. 7, lines 20-43; also see FIG. 9-12); mapping new location data to users (see FIG. 10-12; see col. 6, lines 59 to col. 7, lines 67; server 91 stores the table for mapping/matching users to location); sending collections of location data, organized by user (see FIG. 10-11, location data is organized by user), to a logic process for evaluation (see FIG. 16B, 168 and 169; the mapped/compared/calculated data is send to method 169 for further evaluation); whereby said collections of location data are updated continuously (see FIG. 16B and FIG. 8; collection of location information are updated according to the continuous method; see col. 6, lines 17-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide data organized by user, as taught by Rachabathuni in the system of Fitch'092, so that it would provide a method to select an application for use in a wireless device on the basics of application specific identification message from a user of wireless station, and provide proximity information of users to users

and/or of users to locations and filtering/identifying redundant data; see Rachabathuni col. 2,

line 12 to col. 3, lines 52.

16.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch (U.S.

6,424,840) in view of Fitch'092.

Regarding claim 22, Fitch'840 discloses an information handling system for

aggregating location information (see FIG. 2, Location Based Zone and the assignment

system 52), said information handling system comprising:

a communication device (see FIG. 3, I/O device 60; Input portion of I/O device 60

towards the a wireless network) communicating with a network (see FIG. 2, Wireless

communication network 51); see col. 6, lines 51-65;

a storage device (see FIG. 3, Memory 102);

an output device (see FIG. 3, I/O device 60; an output portion of the device)

a system bus (see FIG. 3, the connection bus between Processor, I/O device and

memory); and

a processor (see FIG. 3, Processor 100), coupled by said system bus to said

communication device, said storage device, and said output device (see FIG. 3, processor

couples to I/O device 98 and Memory 102 via the buses);

said processor programmed to implement a method (see FIG. 4 and 5, the processor

process the methods in FIG. 4 and 5); see col. 11, lines 30-65.

Fitch'840 does not explicitly disclose acquiring location data (see Fitch'092 FIG. 1,

Location Finding System, LFS, 116; or see FIG. 2, a combined system of Location Finding

Center, $LFC_{1\ to\ n}$, and LFS/location Manager 214; see Fitch'092 col. 7, lines 52-55) regarding

a user (see Fitch'092 FIG. 1, a user of the Wireless Station 102) from a plurality of location

sources (see Fitch'092 FIG. 1, wireless stations communicating with the corresponding

Location Fining Equipment Systems, LFE, 104,106,108 and 110; of see FIG. 2, $LFE_{1\ to\ n}$);

see Fitch'092 col. 5, lines 1-30, 56-61; see Fitch'092 col. 6, lines 19-21; note that Location

Finding System finds/acquires and receives regarding a particular wireless station user

location from a plurality of LFE/wireless stations);

converting said location data from said location sources to a single format (see

Fitch'092 FIG. 5, collection data from regions 502 and 503 are combined/aggregated; see

Fitch'092 col. 9, lines 55 to col. 10, lines 5; see Fitch'092 col. 7, lines 41-44, 55-67 and col. 8,

lines 7; note that aggregated/combined location data from LFEs are converted into a

standard/signal format);

and creating a collection of said location data regarding said user (see Fitch'092 col.

3, lines 25-47; see col. 7, lines 30-57; note that the combined system of LFCs and LFS

collects the raw wireless station user location data received from LFEs and

aggregates/creates a standard format).

and updating said location data continuously (see Fitch'092 col. 11, lines 9-30; note

that location data from a wireless station is continuously/on-going monitored and updated in

order to obtain the most accurate location (i.e. tacking 911 call location)).

However, the above-mentioned claimed limitations are taught by Fitch'092. In view

of this, having the system of Fitch'840 and then given the teaching of Fitch'092, it would

have been obvious to one having ordinary skill in the art at the time the invention was made

to modify the system of Fitch'840, for the purpose of providing mechanism for aggregating

multiple location data into a combined location data, as taught by Fitch'092, since Fitch'092

states the advantages/benefits at col. 2, lines 41 that it would reduce location uncertainty by

allowing multiple inputs from one ore more wireless source and their corresponding LFE and

aggregate the location data. The motivation being that by combing/aggregating multiple

location data regarding the mobile station user into a single standard format, it can accurately

track the mobile user location thereby reducing location uncertainty.

17.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch'840 in view

of Fitch'092, as disclosed above in claim 22, and further in view of Morse (U.S. 6,609,004).

        Regarding claim 23, Fitch'092 discloses acquiring location data regarding the user

and; creating collections of said location data regarding a user as described above in claims 1,

12 and 24. Fitch'092 further discloses acquiring location data regarding more than one user

(see col. 11, lines 60 to col. 12, lines 12; note that during the pulling process, the LFS/LM

query the location data regarding all wireless stations user).

        Neither Fitch'840 nor Fitch'092 explicitly disclose collections of said location data

regarding more than one user, organized by user (see Morse'004 FIG. 4, Server User Memory

116 is created by the collection of the location data regarding more than one user, and the

memory/collection is organized by user (i.e. organized as user 1 to user N corresponding to

their respective locations); see col. 7, lines 55 to col. 8, lines 5).

        However, the above-mentioned claimed limitations are taught by Morse'004. In view

of this, having the combined system of Fitch'840 and Fitch'092, and then given the teaching

of Morse'004, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the combined system of Fitch'840 and Fitch'092, for the

purpose of providing a memory that collected and stored the location data regarding more

than one user, and the memory is organized by user, as taught by Morse'004, since Morse'004

states the advantages/benefits at col. 1, lines 25-30, col. 2, lines 15-20 that it would provide

to easily locate a device user in case of an emergency situation, and easily select relevant

content information from the large amount of data. The motivation being that by

collecting/storing the location data regarding more than one user and organized by user, it

will increase the possibility of easily retrieving and identifying the user from large amount of

stored data, and locating the user in case of an emergency.

Response to Arguments

18.   Applicant's failure to adequately traverse the examiner's taking of Office Notice in the

last Office action for well-known features/limitations in the art, regarding claims **4,9,15,20,27**

and 32, is taken as an admission of fact(s) noticed.

19.   Applicant's arguments filed 9-24-2004 have been fully considered but they are not

persuasive.

Regarding claims 1-33 the applicant argued that, "...limitation in the rejected

claims which are not described in the reference. ...acquiring location data regarding a user

from a plurality of location resources from a plurality of location resources...A) plurality of

location sources...B) location data regarding a user..." in page 13, 3rd and 4th paragraph;

page 15, 1st paragraph.

In response to applicant's argument, the examiner respectfully disagrees that limitation in the rejected claims which are not described in the reference ….the limitations "acquiring location data regarding a user from a plurality of location resources from a plurality of location resources…. A) plurality of location sources location sources means **any electronic source of data** …B) location data regarding a user".

Fitch discloses acquiring location data **(see FIG. 1, Location Finding System, LFS, 116; or see FIG. 2, a combined system of Location Finding Center, LFC$_{1 \text{ to } n}$, and LFS/location Manager 214; see col. 7, lines 52-55)** regarding a user **(see FIG. 1, a user of the Wireless Station 102)** from a plurality of location sources **(see FIG. 1, wireless stations communicating with the corresponding Location Fining Equipment Systems, LFE, 104,106,108 and 110; of see FIG. 2, LFE$_{1 \text{ to } n}$); see col. 5, lines 1-30, 56-61; see col. 6, lines 19-21; note that Location Finding System finds/acquires and receives regarding a particular wireless station user location from a plurality of LFE/wireless stations).**

Note that as stated above, examiner asserts locating finding system, LFS 116, which finds/acquires the user of the wireless station 102 from a plurality of Location Finding Equipments, LFE 104,106,108; see Fitch FIG. 1.

As applicant admitted that "location resources", i.e., **any** electronic source of data, is clearly discloses by Fitch as location finding equipment systems LFEs since each LFE is "any electronic source of data".

The applicant argued that, "…A) concerning "a plurality of location sources"…location sources means any electronic source of data, including mobile telephone, personal digital assistants, pagers, GPS, servers, computer based models, scheduler or

calendars that give a person's expected location depending on the data and time" in page 14,

1st paragraph.

In response to applicant's argument that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., **mobile**

telephone, personal digital assistants, pagers, GPS, servers, computer based models,

scheduler or calendars that give a person's expected location depending on the data and

time) are not recited in the rejected claim(s). Although the claims are interpreted in light of

the specification, limitations from the specification are not read into the claims. See *In re*

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argued that, "...GPS, wireless station, cell sites, TDOA systems,

handsets..." in page 14, 2nd paragraph.

In response to applicant's argument that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., GPS,

wireless station, cell sites, TDOA systems, handsets) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

The applicant argued that, "...Fitch teach away, by describing location sources that

are location technologies associated with a signal wireless phone..." in page 14, 2nd

paragraph and page 16, 2nd paragraph.

In response to applicant's argument, the examiner respectfully disagrees that

Fitch teach away, by describing location sources that are location technologies associated

with a signal wireless phone. One skill in the ordinary art will clearly see that there are more than one mobile station communicating with LFE and MSC in the network. No such system is designed to provide service to a **single** mobile station. Thus, examiner believes that by showing only one mobile station will not make Fitch teach away the claimed invention. Fitch is showing only one mobile for exemplary purpose only, while in fact, there are more than one mobile station.

The applicant argued that, "…B) concerning "location data regarding a user"… …invention locates people, i.e. users who may have more than one mobile device…. location sources also include computer-based models, schedules or calendars …Fitch does not teach acquiring location data regarding a user" in page 15, 1st paragraph.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **locates people, i.e. users who may have more than one mobile device…. location sources also include computer-based models, schedules or calendars**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument, the examiner respectfully disagrees that the Fitch does not teach acquiring location data regarding a user. Fitch discloses a mobile station. Note that one skill in the ordinary art would clearly know that the user is carrying a mobile station since the mobile station cannot move on its own. Thus, when there is a mobile station,

there is a user. Fitch discloses the finding/acquiring the location data regarding a user as described in above responses.

In view of the above, **the examiner respectfully disagrees** with applicant's argument and believes that the combination of references as set forth in the 102 rejections is proper.

Conclusion

20.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N Moore whose telephone number is 571-272-3085. The examiner can normally be reached on M-F: 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM
12/10/04

BRIAN NGUYEN
PRIMARY EXAMINER